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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,967	11/14/2003	Hans-Juergen Lohmann	245120US41DIV	7490

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EXAMINER

PALADINI, ALBERT WILLIAM

ART UNIT PAPER NUMBER

2125

DATE MAILED: 01/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

10/706,967

Applicant(s)

LOHMANN ET AL.

Examiner

Albert W Paladini

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/16/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claims 1-40 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01.

Claim 1

The claim recites that the "input" is connected to the "configuration tool." However, the connections between the "drawing module", the "database" and the "processor" are not recited. To be complete, the claim must recite all of the structural connections between the recited elements, so that the functional operation of the elements working together may be understood. As recited, the "drawing module", the "database" and the "processor" hang alone, and are not connected to the other elements.

Claim 21

The claim recites that the "means for inputting" is connected to the "means for configuring." However, the connections between the "means for drawing", the "means for storing" and the "means for processing" are not recited. To be complete, the claim

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must recite all of the structural connections between the recited elements, so that the functional operation of the elements working together may be understood. As recited, the "means for drawing", the "means for storing" and the "means for processing" hang alone, and are not connected to the other elements.

Appropriate correction and clarification are required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Korelitz (3867616).

In figure 1, Korelitz discloses a data processing system for defining a spatial arrangement of structural components, which contains an input (INPUT DATA), a database (DISC FILE), a configuration tool (COMPUTER connected to input), and a processor (COMPUTER connected to OUTPUT), and a drawing module (DRAWING). The input data comprises orientation, spacing, and dimensioning which are specific to an installation space. The computer connected to the input is programmed with desired limits to perform the interconnections in accordance with predetermined rules, which are contained in the database (DISC FILE). Korelitz states in column 4, lines 65+ "The completely connected design data developed in the computer and either retained there or upon memory storage discs, is then converted to visible form, preferably drawings, or a stored form i.e., punch cards or tape, which can be converted to drawings. It will be understood that the present invention produces a visible design starting from a plot plan from which a computer is programmed with few or many points to be interconnected, all developed from the original plot plan of initial measurements and spatial arrangement of units comprising the ultimate design into which they are to be integrated, often in combination with previously stored dimensional elements already in the memory of the computer or available from other, such as a disc storage

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means; for example, an IBM 2311 Disc Storage Drive, magnetic tape, punch cards as typical sources of stored data."

5. Claims 1-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Higuchi (5945995).

In figure 5, Higuchi discloses a data processing system for defining a spatial arrangement of structural components which contains an input 12A which is configured to input parameters of a selected installation space as obtained from CAD drawing information, a configuration tool 12B, a database 14, a drawing module 18, and a processor 16. Section 12 combines shape attributes with space attributes to define a spatial arrangement of the components.

Relevant Prior Art

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Blood (4613866) discloses an apparatus for digitizing the coordinates of a two dimensional drawing and enables users to produce isometric drawings directly from three dimensional models, by automating the measurement of piping and component dimensions utilizing a digitizer, a four input differential multiplexer, a database, and a processor.

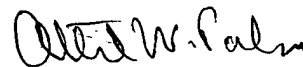
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Hirsch (6282547) discloses a computer system for generating visual information data. Hyperlinked databases enable the layout or spatial arrangements of data elements.

7. Any inquiry concerning this communication or earlier communication from the examiner should be direct to Albert W. Paladini whose telephone number is (572) 272-3748. The examiner can normally be reached from 7:30 to 3:30 PM on Monday, Tuesday, Thursday, and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Leo P. Picard, can be reached on (572) 272-3749. The official fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.


Albert W. Paladini
Primary Examiner
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